

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE:	)	
	)	
MARIE JANETTA BROOKS,	)	CASE NO. 08-20408 JPK
	)	Chapter 7
Debtor.	)	

ORDER

On October 10, 2008, a hearing was held on the Motion to Reopen Case and to Waive Fee filed by the debtor on August 19, 2008. The debtor appeared personally and by counsel Keane J. Moody; although not involved in the matter, the Chapter 7 Trustee Daniel L. Freeland appeared by counsel Sheila Ramacci, who stated that the Trustee had no opposition to the motion.

Based upon the record established that the hearing, the court finds that the document filed on April 30, 2008 at record entry #19 was, by excusable mistake, thought to be the certification of the course required by 11 U.S.C. § 727(a)(11). The record establishes that the debtor has filed certification of satisfaction of that provision (record entry #27). Based upon the foregoing, the court finds that the Order Approving Final Account, Discharging Trustee, and Closing Case entered on July 22, 2008 should be vacated. As a result of the vacation of that order, the case was effectively never closed, and it was not necessary for the debtor to file a motion to reopen the case.

IT IS ORDERED that the Order Approving Final Account, Discharging Trustee, and Closing Case entered on July 22, 2008 is vacated.

IT IS FURTHER ORDERED that the motion to reopen case and to waive fee is denied as unnecessary.

IT IS FURTHER ORDERED that the fee of \$260.00 tendered with respect to the foregoing motion shall be refunded to its payor.

IT IS FURTHER ORDERED that following the entry of this order, the Clerk shall enter an order granting the debtor's discharge and then an order in the form of that previously entered on July 22, 2008 in order to finalize this case.

Dated at Hammond, Indiana on October 20, 2008.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor

Trustee, US Trustee

All Creditors

All Parties-in-Interest